

Assembly Bill No. 1135

Passed the Assembly September 5, 2007

Chief Clerk of the Assembly

Passed the Senate September 4, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 7550.7 to the Government Code, relating to state reports.

LEGISLATIVE COUNSEL'S DIGEST

AB 1135, Strickland. State government: reports: declarations.

Existing law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities.

This bill would require a written report, as defined, submitted by any state agency or department to the Legislature, a Member of the Legislature, or any state legislative or executive body to include a signed statement by the head of the agency or department declaring that the factual contents of the written report are true, accurate, and complete to the best of his or her knowledge.

This bill would also make any person who declares as true any material matter pursuant to these provisions that he or she knows to be false liable for a civil penalty not to exceed \$20,000.

The people of the State of California do enact as follows:

SECTION 1. Section 7550.7 is added to the Government Code, to read:

7550.7. (a) (1) Notwithstanding any other provision of law, a written report submitted to the Legislature, a Member of the Legislature, or any state legislative or executive body by any state agency or department shall include a signed statement by the head of that agency or department declaring that the factual contents of the report are true, accurate, and complete to the best of his or her knowledge.

(2) With respect to the Franchise Tax Board, the signed statement described in paragraph (1) shall be made by the executive officer of that board, and with respect to the State Board of Equalization, the statement shall be made by the executive director of that board.

(b) Paragraph (1) of subdivision (a) applies to the head of every state agency or department, including, but not limited to, elected officials of state government, and any state official whose duties are prescribed by the California Constitution.

(c) For purposes of this section, a “written report” is either of the following:

(1) A document required by statute to be prepared and submitted to the Legislature, or any state legislative or executive body.

(2) A document, summary, or statement requested by a Member of the Legislature.

(d) The declaration in the signed statement as to the truth, accuracy, and completeness of the factual contents of the written report shall not apply to any forecasts, predictions, recommendations, or opinions contained in the written report.

(e) Any person who declares as true any material matter pursuant to this section that he or she knows to be false shall be liable for a civil penalty not to exceed twenty thousand dollars (\$20,000). The civil penalties provided for in this section shall be exclusively assessed and recovered in a civil action brought in the name of the people of the State of California in any court of competent jurisdiction by the Attorney General.

Approved _____, 2007

Governor